

Notice of Allowability

Application No.

10/026,994

Applicant(s)

DUNN-COLEMAN ET AL

Examiner

Manjunath N. Rao, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 11-2-05.
2. ☒ The allowed claim(s) is/are 2,4-17,19,20,22-24 and 26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8-12-05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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DETAILED ACTION

Claims 2, 4-17, 19-20, 22-24, 26 are currently pending and are present for examination.

Applicants' amendments and arguments filed on 11-2-05, have been fully considered and are deemed to be persuasive to overcome the rejections previously applied. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 8-12-05 was filed after the mailing date of the Final rejection on 6-10-05. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 11-21-05, Ms. Vicky Boyd requested an extension of time for ONE MONTH(S) and authorized the Director to charge Deposit Account No. 07-1048 the required fee of \$ 120.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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The application has been amended as follows:

In the claims: The following amendments are without any prejudice and with no particular intention to narrow the limitation of the claims.

- A) In claim 2, line 1, delete “an isolated” and replace with “A”.
- B) In claim 2, line 1, insert the phrase “isolated from a fungal source” after the word “polynucleotide”.
- C) In claim 2, line 1, delete the word “fungal”.
- D) In claim 2, line 4, delete “complementary” and replace with “a full length complement”.
- E) In claim 2, line 6, delete the phrase “presented in SEQ ID NOs:3 and 2”.
- F) In claim 2, line 6, insert the phrase “comprising SEQ ID NOs:3 and 2” after the word “Figure 2”.
- G) In claim 2, line 10, delete “complementary” and replace with “a full length complement”.
- H) In claim 2, line 12, delete the phrase “presented in SEQ ID NOs:3 and 2”.
- I) In claim 2, line 12, insert the phrase “comprising SEQ ID NOs:3 and 2” after the word “Figure 2”.
- J) In claim 2, line 13, delete “complementary” and replace with “a full length complement”.
- K) In claim 2, line 14-15, delete the phrase “presented in SEQ ID NOs:3 and 2”.
- L) In claim 2, line 15, insert the phrase “comprising SEQ ID NOs:3 and 2” after the word “Figure 2”.
- M) In claim 2, line 16, delete “complementary” and replace with “a full length complement”.
- N) In claim 2, line 18, delete the phrase “presented as”.
- O) In claim 2, line 19, delete “complementary” and replace with “a full length complement”.

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- P) In claim 2, line 20, delete the phrase “presented as”.
- Q) In claim 2, line 22, delete the phrase “presented as”.
- R) In claim 2, line 22, insert the phrase “full length” after the word “the”.
- S) In claim 4 line 1, delete the first recitation of “A” and insert “An isolated”.
- T) In claim 4 line 2, insert the word “polynucleotide” after the word “the”.
- U) In claim 4 lines 2-3, delete the phrase “presented as”.
- V) In claim 4, line 3, delete the phrase “or a fragment”.
- W) In claim 8, lines 3, and 7, delete the phrase “presented in”.
- X) In claim 8, line 3-5, delete the phrase “ being capable of hybridizing to a probe designed to hybridize with the nucleotide sequence disclosed in SEQ ID NO:1 under conditions of high stringency, or (iii)”.
- Y) In claim 8, line 5, delete “complementary” and replace with “a full length complement”.
- Z) In claim 8, line 6, delete the recitation “a” and replace with “the”.
- AA) In claim 11, line 1 delete “A” and replace with “An isolated”.
- BB) In claim 12, line 1 delete “A” and replace with “An isolated”.
- CC) In claim 15, line 1 delete the first recitation of “A” and replace with “An isolated”.
- DD) In claim 19, line 2 delete the first recitation of “a” and replace with “an isolated”.
- EE) In claim 22, line 1 delete “A” and replace with “An isolated”.
- FF) In claim 22, line 2, delete the phrase “presented in”.
- GG) In claim 23, line 2, delete the phrase “presented as”.
- HH) In claim 26, line 4, delete the word “a” and replace with “the”.

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- II) In claim 26 line 8, delete the second recitation of the word “chimeric” and replace with “heterologous”.

Allowable Subject Matter

Claims 2, 4-17, 19-20, 22-24, 26 are allowed.

The following is an examiner’s statement of reasons for allowance: Following a diligent search it was determined that the prior art neither teaches nor suggests a polynucleotide with SEQ ID NO 1 or 4 encoding a polypeptide with SEQ ID NO:2 and 3 as presented in figure 4 and having an endoglucanase activity as claimed in claims 2, 4-17, 19-20, 22-24, 26 .

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Manjunath N. Rao, Ph.D. whose telephone number is 571-272-0939. The Examiner can normally be reached on 7.00 a.m. to 3.30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner’s supervisor, Ponnathapura Achutamurthy can be reached on 571-272-0928. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of

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this application or proceeding should be directed to the receptionist whose telephone number is
571-272-1600.

A handwritten signature in black ink, appearing to read 'Manjunath N. Rao', with a stylized flourish at the end.

Manjunath N. Rao, Ph.D.

Primary Examiner

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December 6, 2005